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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91206295
Party	Defendant OHbaby Limited
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Submission	Answer
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Date	12/03/2013
Attachments	Answer (947348v1).PDF(32606 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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LAUER ENTERPRISES, INC. V OHBABY LIMITED

Opposition No. 91206295

ANSWER

OHbaby Limited (**the applicant**) answers the Notice of Opposition to registration/protection of US Trade Mark Application 79/098590 **OHbaby!** and Grounds stated therein as follows:

1. The applicant admits paragraph 1 of the Notice of Opposition.
2. The applicant admits paragraph 2 of the Notice of Opposition.
3. The applicant admits paragraph 3 of the Notice of Opposition.
4. The applicant denies paragraph 4 of the Notice of Opposition and/or is not aware of the allegation therein.
5. The applicant admits paragraph 5 of the Notice of Opposition insofar as the Opposer has federal trademark registrations for OH BABY!.
6. The applicant denies paragraph 6 of the Notice of Opposition.
7. The applicant is not required to answer.
8. The applicant denies paragraph 8 of the Notice of Opposition and/or is not aware of the allegation therein.
9. The applicant denies paragraph 9 of the Notice of Opposition and/or is not aware of the allegation therein, and says that the Opposer will not be damaged and that the applicant's use will not be in derogation of the Opposer's rights due to the dissimilarity in respective goods and services. *The applicant denies there is a likelihood of confusion, as the goods and services of the opponent's trademark registrations can be differentiated from those of the applicant.*

10. The applicant is not required to answer.
11. The applicant denies paragraph 11 of the Notice of Opposition and/or is not aware of the allegation therein.
12. The applicant denies paragraph 12 of the Notice of Opposition and/or is not aware of the allegation therein, and says that the Opposer will not be damaged and that the applicant's use will not be in derogation of the Opposer's rights due to the dissimilarity in respective goods and services.
13. The applicant further says that the Opposer has no evidence of damage or derogation of its rights, and does not have the right to prevent registration by the applicant when there is no connection between the applicant's goods and the goods and services of the Opposer, and when both the marketplace and the Federal Register has third party entries for identical or confusingly similar "OH BABY" trademarks.

The applicant therefore asks that the oppositon be refused, and that its application serial no. 79098590 be allowed to proceed to registration and that costs be awarded in its favour.

Dated this 2nd day of December 2013

Respectfully submitted by
OHbaby Limited:

/Angela Pedersen/

ANGELA PEDERSEN
Director

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing ANSWER was served upon the Opposer, Lauer Enterprises, Inc., by emailing a copy of the Answer to its Attorneys, Merchant & Gould, P.C., Minneapolis, Minnesota, Attention Brent E. Routman